

DINA L. SANTOS, SBN 204200
Dina L. Santos, A Professional Law Corp.
455 Capitol Mall, Suite 802
Sacramento, California 95814
Telephone: (916) 447-0160

Attorney for
RICARDO MARMALEJO

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.: 21-cr-00020-JAM
Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE STATUS CONFERENCE
vs.)	Date: January 9, 2024
NEHEMIAH AVILA, CEASAR)	Time: 9:00 a.m.
MARTINEZ, RICARDO MARJALEJO)	Judge: Hon. Mendez
Defendants.)	

STIPULATION

The United States of America through its undersigned counsel, Adrian Kinsella, Assistant United States Attorney, together with Attorney Todd Leras on behalf of Nehemia Avila; Attorney Michael Long on behalf of Ceasar Martinez, and Attorney Dina Santos, on behalf of Ricardo Marmalejo, hereby stipulate the following:

1. The Status Conference was previously set for September 26, 2023. By this stipulation, the parties now move to continue the Status Conference to **January 9, 2024, at 9:00 a.m.**, and to exclude time between September 26, 2023, and January 9, 2024, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
 - a. A continuance is requested to continue to allow the Defense to continue to review the voluminous discovery, conduct investigation, confer with client's and discuss a potential resolution.

- 1 b. Counsel for the Defendants believes the failure to grant a continuance in this
2 case would deny defense counsel reasonable time necessary for effective
3 preparation, taking into account the exercise of due diligence.
4 c. The Government does not object to the continuance.
5 d. Based on the above-stated findings, the ends of justice served by granting the
6 requested continuance outweigh the best interests of the public and the
7 defendants in a speedy trial within the original date prescribed by the Speedy
8 Trial Act.
9 e. For the purpose of computing time under the Speedy Trial Act, 18 United
10 States Code Section 3161(h)(7)(A) within which trial must commence, the
11 time period of September 26 2023, to January 9, 2024, inclusive, is deemed
12 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
13 (B)(iv), corresponding to Local Code T-4 because it results from a continuance
14 granted by the Court at defendant's request on the basis of the Court's finding
15 that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.
17 3. Nothing in this stipulation and order shall preclude a finding that other provisions
18 of the Speedy Trial Act dictate that additional time periods are excludable from
19 the period within which a trial must commence.
20

21 **IT IS SO STIPULATED.**
22

23 DATED: September 19, 2023

Phillip Talbert
United States Attorney

24 /s/ Adrian Kinesella
25 ADRIAN KINSELLA
26 Assistant U.S. Attorney

27 DATED: September 19, 2023

/s/ Todd Leras
28 TODD LERAS
Attorney for Nehemiah Avila

1 DATED: September 19, 2023

2 /s/ Michael Long
3 MICHAEL LONG
4 Attorney for Ceasar Martinez

5 DATED: September 19, 2023

6 /s/ Dina Santos
7 DINA SANTOS
8 Attorney for Ricardo Marmalejo

9
10 **ORDER**

11 The Court has read and considered the Stipulation Regarding Excludable Time
12 Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby
13 finds that the Stipulation, which this Court incorporates by reference into this Order,
14 demonstrates facts that provide good cause for a finding of excludable time pursuant to
15 the Speedy Trial Act, 18 U.S.C. § 3161.

16 The Court further finds that: (i) the ends of justice served by the continuance
17 outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to
18 grant the continuance would deny defense counsel the reasonable time necessary for
19 effective preparation, taking into account the exercise of due diligence.

20 Nothing in this Order shall preclude a finding that other provisions of the Speedy
21 Trial Act dictate that additional time periods are excluded from the period within which
22 trial must commence.

23 **IT IS SO ORDERED.**

24 Dated: September 19, 2023

25 /s/ John A. Mendez
26 THE HONORABLE JOHN A. MENDEZ
27 SENIOR UNITED STATES DISTRICT JUDGE
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